

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 17-2676 DSF (MRW) Date November 20, 2018

Title Thornberg v. Jones

Present: The Honorable Michael R. Wilner

Veronica Piper

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None present

None present

**Proceedings:** ORDER TO SHOW CAUSE RE: DISMISSAL

1. This is a civil rights action involving a former federal prisoner. In October 2018, the assigned district judge accepted Magistrate Judge Wilner's recommendation to grant the government's dismissal motions. (Docket # 73-74.)

2. Judge Wilner then issued an order giving Plaintiff until November 16 to file an amended complaint in the action. (Docket # 75.) The Court sent that order to Plaintiff's last mailing address (a post office box in Pasadena). The Postal Service recently returned that order with the designation "Return to Sender – Attempted – Not Known – Unable to Forward." (Docket # 76.) That information suggests that Plaintiff no longer uses this mailbox.

3. Plaintiff has not filed any change-of-address form with the Court recently. (Docket # 30 (Sept. 2017), 58 (April 2018).) Also, he is not an e-filer who is able to receive electronic service of court documents.

4. A litigant in federal court is obliged to inform the Court and the opposition of any change in address. If a litigant fails to keep the Court informed of a correct mailing address, the case may be dismissed under Local Rule 41-6, which states as follows:

**If mail directed by the Clerk to a *pro se* plaintiff's address of record is returned undelivered by the Postal Service, and if, within fifteen days of the service date, such plaintiff fails to notify, in writing, the Court and opposing parties of his current address, the Court may dismiss the action with or without prejudice for want of prosecution.**

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5. Based on the recent return of mail, the Court suspects that Plaintiff failed to properly update his address with the Court. Therefore, by December 21, 2018, Plaintiff will file a sworn notice with the Court indicating his current, accurate mailing address. Failure to do so may lead the Court to conclude pursuant to Federal Rule of Civil Procedure 41 that Plaintiff has no interest in prosecuting this action further or is willing to abide by court orders, and that dismissal is appropriate under the Local Rule.